

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----	X	
MATTHEW LOMBARDO AND WHO'S	:	
HOLIDAY LLC,	:	ECF CASE
	:	
Plaintiffs,	:	1:16-cv-09974 (AKH)
	:	
-against-	:	
	:	<u>NOTICE OF MOTION</u>
DR. SEUSS ENTERPRISES, L.P.,	:	
	:	
Defendant.	:	
-----	X	

TO:

Jordan Greenberger, Esq.
J. GREENBERGER, PLLC
195 Montague Street, 14th Floor
Brooklyn, NY 11201

Attorney for Plaintiffs

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law, as well as the accompanying Declaration of Tamar Y. Duvdevani, dated February 3, 2017, with exhibits attached thereto, defendant Dr. Seuss Enterprises, L.P. will move the Court for an order, pursuant to Fed. R. Civ. P. 12(b)(6), dismissing Plaintiffs' Second Cause of Action and related prayer for damages with prejudice for failure to state a claim, and for such other relief as the Court may deem just and proper. Such motion shall be made before the Honorable Alvin K. Hellerstein, U.S.D.J., at the United States Courthouse, 500 Pearl Street, New York, NY, at a time to be determined by the Court.

Dated: New York, New York
February 3, 2017

DLA PIPER LLP (US)

By: /s/ Tamar Y. Duvdevani

Tamar Y. Duvdevani
1251 Avenue of the Americas
New York, New York 10020
Tel: (212) 335-4500
Fax: (212) 884-8580

Ryan C. Compton (*pro hac vice* pending)
DLA PIPER LLP (US)
500 Eighth Street, NW
Washington, D.C. 20004
Tel: 202.799.4000
Fax: 202.799.5000

*Attorneys for Defendant
Dr. Seuss Enterprises, L.P.*